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PUBLISHERS WEEKLY
2 April 1982**Senate Votes Bill to Punish Disclosure of Agents**

The Senate has passed legislation that almost guarantees that soon it will be illegal to publish the names of undercover U.S. intelligence agents.

The Senate voted 90-6 to approve the bill March 18 after adopting by a 55-39 vote an amendment by Sen. John H. Chafee (R., R.I.) to broaden the power of the federal government to bring publishers to court for printing the names of agents.

The amendment brought the Senate bill more in line with a bill passed by the House last year to make a publisher liable for prosecution if it disclosed the names of secret agents with "reason to believe" that such action would "impair or impede" U.S. intelligence work.

Although the purpose of the legislation was to get at the *Covert Action Information Bulletin* and efforts by Philip Agee, author and former CIA agent, to disclose the names of covert CIA agents abroad, the effect would be to make even book publishers liable for prosecution if a book contains the name of a covert agent. Neither the House nor the Senate bills make any distinction about whether the name was still secret or already was available in the public record.

The Chafee amendment changed the basis for prosecution from a much narrower definition—that a publisher was punishable only if the U.S. could show it was its "intent to impair or impede." The House language was altered on the floor last September to substitute "intent" for "reason to believe." Agreement by both houses on the central language assures that it will become law, although some relatively minor differences in the bills remain to be ironed out.

The Association of American Publishers and several other organizations involved in First Amendment activities had opposed any of the versions of the legislation on grounds they were unconstitutional in that they prohibited legitimate publishers from exercising their freedom of the press rights.

Richard Kleeman, AAP Washington vice-president, said after the Senate vote: "While in no way defending or condoning endangering the lives of American intelligence agents by divulging their identities to potential enemies, we do feel that as passed by both the Senate and House, the agents' identities protection act has been unconstitutionally broadened and could threaten legitimate reporting from published sources."

The American Civil Liberties Union promised that it would challenge the constitutionality of the legislation as soon as it becomes law.

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